

## Report of Group Leader Policy & Plans

### Report to Chief Planning Officer

**Date: 1st April 2019**

### **Subject: Hot Food Takeaway Supplementary Planning Document**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Summary of main issues

1. Following concerns about a number of Hot Food Takeaway (HFT) proposals in Leeds and the White Paper Motion, Planning Officers were tasked with preparing a Supplementary Planning Document (SPD) to control HFT proposals, particular from the perspective of improving the health and wellbeing of Leeds' population. A Draft SPD was presented to Development Plans Panel on the 7<sup>th</sup> March, 2017 and after a couple of modifications, it was agreed that there would be a period of public consultation in July, 2017.
2. The HFT SPD has been through 2 formal stages of public consultation. Amendments to the draft HFT SPD were made following the first formal consultation in July 2017, to address comments raised, where appropriate. A second consultation was undertaken between Monday 26<sup>th</sup> November 2018 and the Monday 7<sup>th</sup> January 2019 and further amendments have been made. It is considered that following these amendments the SPD is now ready for adoption, having fulfilled the requirements of the regulations pertaining to the production and adoption of SPDs.
3. The Supplementary Planning Document will provide further clarification on how current LCC planning policies can protect against all types of adverse impacts created by Hot Food Takeaways (HFT). Once adopted, the Hot Food Takeaway SPD will form part of Leeds' Local Plan and will carry weight when the Council makes decisions on planning applications. It will build and expand upon existing policies found in the adopted Core Strategy and Unitary Development Plan. The HFT SPD provides a summary of relevant

evidence concerning public health in Leeds and proposes two areas of control around secondary schools and in town centres and shopping parades.

## **Recommendations**

4. The Chief Planning Officer is recommended to:

- i) Note the contents of this report and the associated consultation statement
- ii) Adopt the Hot Food Takeaway Supplementary Planning Document in the form annexed to this report
- iii) Place the SPD on the Council's website alongside accompanying map pages showing buffers

## **1. Purpose of this report**

- 1.1 The purpose of this report is to make the Chief Planning Officer aware of the public consultation process, feedback and subsequent changes made to the Hot Food Takeaway Supplementary Planning Document (HFT SPD).
- 1.2 The report recommends that the Chief Planning Officer adopts the re-drafted HFT SPD and publishes the decision in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **2. Background information**

- 2.1 SPDs are documents which form part of the Local Development Framework (LDF), the development plan for Leeds. The National Planning Policy Framework (NPPF, 2019) defines SPDs as “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.” They deal with either specific issues that affect the whole City, or they are specific to particular areas.
- 2.2 A report that reviewed the effectiveness of CS policies and suggested amendments to the local planning framework was presented at Development Plan Panel on the 27<sup>th</sup> of September, 2016. Development Plan Panel resolved that the preparation of a draft SPD to address links between health issues and planning policy, with a specific focus on tackling the location and/or concentration of Hot Food Takeaways in areas where health issues arising from unhealthy food choices are prevalent be commenced. A draft SPD was presented at Development Plans Panel on the 7<sup>th</sup> of March, 2017 and the Panel resolved that the draft SPD should be subject to a public consultation subject to agreed modifications to the SPD.
- 2.3 The Supplementary Planning Document will provide further clarification on how current LCC planning policies can protect against all types of adverse impacts created by Hot Food Takeaway (HFT). Once adopted, the Hot Food Takeaway SPD will form part of Leeds’ Local Plan and will carry weight when the Council makes decisions on planning applications. It will build and expand upon existing policies found in the adopted Core Strategy and Unitary Development Plan. The HFT SPD provides a summary of relevant evidence concerning public health in Leeds and proposes two areas of control around secondary schools and in town centres and shopping parades.
- 2.4 The SPD proposes three new guidelines that will help determine any future A5 applications (HFT 1, HFT 2 and HFT 3 respectively).

## **3. Main issues**

- 3.1 In accordance with regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 a formal consultation on the SPD was carried out between the 18th July 2017 to the 29th August 2017. 23 written responses were received in total. They reflect a wide spectrum of views from a range of stakeholders including local residents, people who work in the area, businesses, community based groups and non-regulatory organisations. These were analysed in

detail and changes have been made to the draft where appropriate. This is set out within the Consultation Statement which can be found in Appendix 2.

- 3.2 The only significant amendment to the SPD following the first consultation was to guidance HFT2, where reference to a % of HFTs allowed on a frontage was changed to a certain number depending on the length of the frontage. Other small modifications were made to the text and school boundary maps.
- 3.3 A second consultation was undertaken between Monday 26th November and the Monday 7th January 2019 in accordance with regulation 12 of the Town and Country Planning Regulations 2012. 19 representations were received, as set out within the Consultation Report (Appendix 2). Amendments subsequently made in response to the comments received are detailed within the Consultation Report, and comprise relatively minor changes to supporting text. The highlighted changes version of the SPD in Appendix 1 shows where appropriate amendments have been made following the second consultation.
- 3.4 In accordance with Section 23(1) of the Planning and Compulsory Purchase Act 2004, amendments have been made to the draft SPD as a result of consultation comments and other matters arising over the course of its production.
- 3.5 The appended version of the SPD includes highlighted changes from the recent consultation. These will be removed should the SPD be adopted, as recommended.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The HFT SPD has been the subject of two comprehensive public consultation exercises, as set out within the attached consultation statement in appendix 2.
- 4.1.2 Given the nature of the changes made to the HFT SPD, as a result of comments made during consultation, it is not considered necessary to undertake further consultation on the final version.
- 4.1.3 The decision to adopt the SPD was advertised on the list of forthcoming key decisions between 25th April 2018 to 25th May 2018. The subsequent updates made to the SPD as a result of the 2018/19 consultation do not represent a material change from the previous version that was advertised on the Key Decisions List (April 2018).

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An Equality Impact Screening (EIS) has been undertaken to identify implications for any of the protected characteristics groups and is attached at Appendix 3. The screening report concluded that no particular impact can be seen for any protected group (characteristic) except a positive impact for the health of all communities.

### **4.3 Council policies and Best Council Plan**

- 4.3.1 The SPD will sit in the hierarchy of Local Plan (Local development framework) documents under the adopted Core Strategy which is one of Leeds City Council's

main policy documents setting out the vision, objectives, policy and targets for the future growth of Leeds particularly in terms of spatial planning. The Core Strategy helps articulate the spatial dimension of other council strategies and plans including 'Vision for Leeds' and the Best Council Plan.

- 4.3.2 The Leeds Best Council Plan highlights the importance of a healthy city several times throughout the document. As part of its outcomes, it requires that people 'Live longer and have healthier, active lives', all children and young people 'Enjoy healthy lifestyles' and Leeds becomes 'a city which offers its residents the best support available to maintain their health and wellbeing long into the future'.

#### **4.4 Resources and value for money**

- 4.4.1 The only call on staff time will be in relation to the final production and publication of the SPD document.

#### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 The HFT SPD has been prepared in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The adoption of the HFT is a key decision and is eligible for call in.

#### **4.6 Risk management**

- 4.6.1 No significant risks are envisaged with the adoption of the HFT SPD.
- 4.6.2 Whilst the adopted Core Strategy (and Saved UDP Policies) provide a framework to address a range of public health issues, including hot food takeaways, the preparation of this draft SPD provides an opportunity to more effectively focus upon the issues outlined in this report.

### **5. Conclusions**

- 5.1 The Supplementary Planning Document will provide further clarification on how current LCC planning policies can protect against all types of adverse impacts created by Hot Food Takeaways (HFT). Once adopted, the Hot Food Takeaway SPD will form part of Leeds' Local Plan and will carry weight when the Council makes decisions on planning applications. It will build and expand upon existing policies found in the adopted Core Strategy and Unitary Development Plan. The HFT SPD provides a summary of relevant evidence concerning public health in Leeds and proposes two areas of control around secondary schools and in town centres and shopping parades. The SPD contains written policy and a series of maps with buffers around HFTs close to secondary schools. These maps will accompany the document on the web-site.

### **6. Recommendations**

- 6.1 The Chief Planning Officer is recommended to:
- i) Note the contents of this report and the associated consultation statement
  - ii) Adopt the Hot Food Takeaway Supplementary Planning Document

- iii) Place the SPD on the Council's website alongside accompanying map pages showing buffers

## **7 Background documents<sup>1</sup>**

- 7.1 None.

## **8 Appendices**

- 8.1 Appendix 1 - Draft Hot Food Takeaway Supplementary Planning Document and Appendices – to be adopted
- 8.2 Appendix 2 - Consultation Statement for the HFT SPD
- 8.3 Appendix 3 – Equality Screening Document

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.